THE HON'BLE Mr. JUSTICE GODA RAGHURAM

FRIDAY, THE 24th DAY OF FEBRUARY, 2006

W.P.No. 3221 of 2006

Between:-

Toddy Tappers Co-operative Society Shivampet, Shivampet (Vil & Mandal), Medak district, rep., by its President Mr. K. Anjagoud.

--Petitioner

And

The Prohibition & Excise Inspector, Excise Station, S.H.O. Narsapur and two others.

--Respondents

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W.P.No. 3221 of 2006

Oral order:-

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise.

The grievance of the petitioner is that the application dated 24-01-2006 for sending one of the sample bottles of the toddy drawn from the petitioner's licensed premises on 10-01-2006 to an independent laboratory for analysis, has not been considered by the respondents.

The petitioner's licensed premises was inspected on 10-01-2006 and on allegations of adulteration and violation of the terms and conditions of the licence and relevant rules, the licence was suspended pending inquiry by the proceedings dated 02-02-2006. On 24-01-2006 the petitioner submitted a representation to the 2nd respondent for sending one of the sample bottles of the toddy drawn to an independent laboratory for analysis.

The learned Government Pleader for Prohibition and Excise, on instructions, states that on 02-02-2006, the 2nd respondent has acceded to the request of the petitioner and has sent the second sample to the independent laboratory of the petitioner's choice, for analysis. In the light of the assertions made at the bar on behalf of the 2nd respondent by the learned Government Pleader for Prohibition and Excise, the grievance of the petitioner does not subsist.

In the writ petition, the petitioner also assails the proceedings dated 02-02-2006 suspending the licence pending inquiry. This court finds no infirmity in the order of suspension pending inquiry passed. The 2nd respondent is a competent authority.

The circumstances justified the exercise of the disciplinary discretion as the allegation is one of adulteration. Therefore no case is made out for interference. The petitioner is however at liberty to pursue the appropriate remedy, if and when final orders are passed in any inquiry instituted for cancellation of the petitioner's licence.

For the aforesaid reasons and observations, the writ petition is dismissed. No costs.

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GODA RAGHURAM, J

Date: 24-02-2006

Pvks/*